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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,751	10/22/2001	Michael Soemo	2001P20319US	5865

7590 12/14/2005

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,751

Applicant(s)

SOEMO ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on November 23, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 13-22, 24 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11, 13-22, 24 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. The After-Final amendment filed on 23 November 2005 has been received and entered. Claims 1, 12, 23, and 25-31 have been cancelled. Therefore, claims 2-11, 13-22, 24 and 32 are now pending.
2. Upon further search and review, a new art rejection is applied herein.

Claim Objections

3. Claims 5, 7, 9, 18, and 21-22 are objected to because of the following informalities:

In claim 5, line 2, the recitation of "has access" is indirect, suggest optionally, and passive which renders any recitation claimed after not be given patentable weight.

In claim 5, line 2, the recitation of "is used" is intended use therefore the limitaion following dose not carry patentable weight.

In claim 18, line 2, the recitation of "may" is indirect, suggest optionally, and passive which renders any recitation claimed after not be given patentable weight.

In claim 22, line 4, the recitation of "may be" is indirect, suggest optionally, and passive which renders any recitation claimed after not be given patentable weight.

Appropriate correction is required.

4. Claims 7, 9, and 21 recite the limitation "file system adapted to" is indirect, suggest optionally, and passive which renders any recitation claimed after not be given patentable weight. Appropriate correction is required.

The Examiner points to MPEP 2106 [R-2] wherein the claim's recitation of "adapted to" raises the question to Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Office personnel must rely on the applicant's disclosure to properly determine the meaning of ** the claims. Limitations appearing in the specification but not recited in the claim are not read into the claim; therefore, in this case, the recitation of "adapted to" as interpreted in light of the specification provide the "functionality" or "the capability" of the database management system to perform the steps without definite disclosure limiting or excluding any alternative, negative, or even all together suggest actually performing or implementing the functionality that is database management system is capable of.

Therefore, any cited art that teaches the steps otherwise in the alternative can be used to reject the instant application. The computer being adapted to perform a function does not mean that it will ever actually perform that functionality (i.e. "adapted to" should be clarified and changed to a more definite term).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 17-18, and 32 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Applicant's language of "causing" or "causes" a computer to do something -in claims 17, and 32- is not prohibiting and does not cause any functionality to occur in the computer and thus failing to particularly point out and distinctly claim their invention (it's unclear what Applicant's intended metes and bounds of the claim are, since the claim appears to cover anything and everything that does not prohibit actions from occurring).

Claim 18 is dependent on claim 17 and therefore carries the same deficiency.

Claim 32 recites the limitation "said one or more new data fields" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 2-11,13-22,24 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Bird (U.S. Patent No. 6,321,235 B21).

As to claims 2 and 13, Bird discloses a system wherein said database manager comprises software and wherein said database manager is stored in said static memory device (See column 9, lines 13-19).

As to claim 3, Bird discloses wherein said static memory device comprises a set of units, and further wherein said database manager copies a set of data elements stored in one of said units into said dynamic memory when one or more of said data elements is to be modified (See Abstract, also see Figure 4).

As to claims 4 and 17, Bird discloses wherein said dynamic memory comprises a cache and wherein said database manager causes a set of data elements to be copied from said static memory into said cache when at least one of said set of data elements require modification (See column 5, lines 57-67, and see column 6, lines 1-21, also see column 11, lines 61-64).

As to claims 5 and 18, Bird discloses wherein a plurality of applications has access to said database and further wherein said cache supports modifications made to said database by said plurality of applications (see title, also see column 1, lines 24-31, prior art).

As to claim 6, Bird discloses a data storage system comprising:
a database partitioned into a first section and a second section, the first section comprising static data and being stored in a static memory device, the second section comprising dynamic data and being stored in a dynamic memory device (See abstract); and,

a database manager for managing said database, wherein said database manager comprises a catalog (See column 7, lines 64-67) that identifies a set of data fields on said database and further wherein said catalog specifies that at least some of said data fields contain static data elements and specifies that at least some of said data fields contain dynamic data elements (See column 8, lines 49-62).

As to claims 7 and 20, Bird discloses further including a database generation tool adapted to generate a database file containing a catalog that defines a set of data fields for storing a set of data elements, said set of data fields including one or more data fields for collectively storing a set of Boolean data elements (See column 7, lines 27-50).

As to claim 8, Bird discloses wherein said second section comprises a dynamic data file that occupies a contiguous portion of said dynamic memory (See Figure 4, 48, also see Figure 6).

As to claims 9 and 15, Bird discloses further comprising a file system adapted to access said dynamic data contained in said dynamic data file using one or more memory pointers (See Figure 6, 74, shows pointers).

As to claims 10 and 16, Bird discloses wherein said file system is integrated with said database manager (See column 3, lines 22-28).

As to claim 11, Bird discloses wherein said second section comprises a third section and a fourth section, said third section comprising non-persistent dynamic data, said fourth section

comprising persistent dynamic data, said third and fourth sections being stored in a non volatile memory device (See Figure 4, 48, shows different sections if the cache being defined as static and dynamic).

As to claim 14, Bird discloses a control system having a data storage system for storing data related to said control system, the control system comprising:

a communication network (See column 3, line 25);

an application node coupled to said communication network, said application node having a static memory device and a dynamic memory device (See abstract);

a database partitioned into a first section and a second section, said first section comprising static data and being stored in the static memory device, said second section comprising dynamic data and being stored in the dynamic memory device; and a database manager disposed in said application node for managing said database, wherein said second section comprises at least one dynamic data file that occupies a contiguous portion of said dynamic memory (See Figure 3, also see column 3, lines 3, lines 22-45).

As to claim 19, Bird discloses wherein comprises a catalog that identifies a set of data fields and further wherein said catalog specifies that at least some of said data fields contain static data elements and specifies that at least some of said data fields contain dynamic data elements (See Figure 1, shows catalog table and partitions, also see column 11, lines 49-54).

As to claim 21, Bird discloses comprising a workstation coupled to said communication network, said workstation being adapted to execute a database interface software program, wherein said database interface software program enables user-access to said database (See column 2, lines 13-22, prior art, also see column 3, lines 3, lines 22-45).

As to claim 22, Bird discloses wherein said communications network comprises a first communications network, and wherein said first communications network is connected to a external second communications network wherein said database, said database manager, and said memory device may be remotely communicated with over said external second communications network (See column 3, lines 3, lines 22-45).

As to claim 24, Bird discloses a method for creating a database, said method comprising the steps of:

- storing a set of static data elements in a static memory device (See column 5, lines 30-34);

- storing a set of dynamic data elements in a dynamic memory device, wherein said database comprises said static data elements and said dynamic data elements (See column 5, lines 7-11); and

- creating a catalog for said database, said catalog specifying a plurality of data fields and said catalog further specifying that at least some of said data fields are stored in said static memory device and that at least some of said data fields are stored in said dynamic memory device (See Figure 1, shows catalog table and partitions, also see column 11, lines 49-54).

As to claim 32, Bird a computer program product comprising a computer readable code stored on a computer readable medium, that when executed, causes a computer to:

receive a data input file that defines a first set of data fields to be included in a database, said data input file including a plurality of data elements to be included in a database (See column 8, lines 29-48);

use said data input file to identify a second set of data fields that are each designated in said data input file for storing a Boolean element, said second set of data fields being a subset of said first set of data fields (See Figure 5, 62, also see column 4, lines 45-67);

modify said first set of data fields to eliminate said second set of data fields (See column 10, lines 32-48, also see column 4, lines 15-39, wherein “eliminate” reads on “one statement” is being compiled); and,

create a catalog for said database, said catalog defining an arrangement of said first set of data fields, wherein said arrangement includes said one or more new data fields for collectively storing said Boolean elements (See column 6, lines 1-6, also see column 6, lines 41-48, also see column 3, lines 57-67)

Response to Arguments

9. Applicant's arguments with respect to claims 2-11, 13-22, 24 and 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

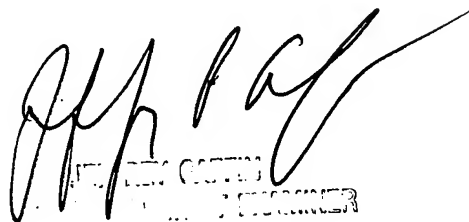
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
December 9, 2005



NEVEEN ABEL-JALIL
EXAMINER